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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,256	03/29/1999	PETER KOZDON	99-P-7530-US	5509

7590 02/08/2002

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/280,256

Applicant(s)

KOZDON ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/29 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference numerals "91" and "96" both have been used to designate a switch box in figure 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: "digital signal processor 7 (lines 4, page 4)" and "DSP 7 (throughout page 4)" should be changed to "digital signal processor 72" and "DSP 72" respectively per figure 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 recites the limitations "said signal", "said first signal" and "said second signal" in lines 6-8. There are insufficient antecedent basis for these limitations in the claim.

5. Claim 10 recites the limitation "said audio signal" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharma et al. U.S. Patent 5,471,470.

Regarding claims 1, 5 and 6, the Sharma reference discloses a computer based multifunction communication system in figure 3, which has a digital telephone CODEC 305 and a voice control digital signal processor (DSP) 306 for receiving voice data and converting voice data into analog signals and transmitting to a first audio channel for speaker 304 and a second audio channel for headset 302 (column 13, lines 18-26 and column 9, lines 47-51). The Sharma's system also has a main controller 313, which selects one of the audio channels of the digital telephone CODEC 305 after receiving a control signal from a personal computer via a RS232 serial interface 315 (figure 1 and column 8, line 65 to column 9, line 14) when a user manually selects an audio channel from the options displayed on a user screen (figure 49 and column 38, lines 58-60).

Regarding claims 2 and 4, the Sharma system allows a user to establish data and voice communications with another computer (column 7, lines 48-51) with both data packets and voice packets (column 13, lines 10-26).

Regarding claim 3, the Sharma discloses in figure 3, a telephone interface 309 is coupled to a telephony network for receiving analog voice (column 9, lines 44-51) and digital voice packets from computer networking (column 13, lines 18-26).

Regarding claim 7, the Sharma's system receives digital signals from a computer network as discussed in claim 3. After incoming rings are detected (figure 35, step 3411), the digital telephone CODEC 305 receives a control signal after a user selects an audio channel (figure 35 step 3417, figure 49 and column 38, lines 58-60).

Regarding claim 9, the Sharma reference does not specifically disclose using either the speaker 304 or the headset 302 as a telephone ringer for incoming calls. However, it is well known in the art that speakers are being used as telephone ringers in computer telephony since a computer does not have a ringer to alert the called party. Furthermore, Sharma states that ringing voltage is converted to binary signal to indicate a presence of a ring voltage on the telephone line (column 14, lines 25-36). Therefore, the Sharma's system inherently outputs the ringing binary signals (converted to audio signals) to either the speaker or the headset in order for the system to operate as a conventional or sophisticated telephone system (column 6, lines 59-60).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown U.S. Patent 5,822,406.

Regarding claim 10, the Brown reference discloses a data processing system in figures 1 and 2 which has a digital signal processor 114 for processing the digital signals received from the modem controller 112 (figure1 and column 4, lines 47-49), two sigma-delta analog front end chips 209 and 210 for converting digital signals to analog signals (figure2 and column5, lines 9-11) and a switch 216 for receiving analog signals and directed by a software control signal, switching said analog signals to a first output for a speaker 220 or to a second output for a headset 223 (column 6, lines 3-14).

Regarding claim 11, as discussed in claim 10, switch 216 is directed by a software control signal, which is a result of a user's input (column 4, lines 6-14). Although, the Brown's reference does not specifically teach generating the control signal after an incoming call is detected, however, it should be the design criteria to

allow a user to select the option of listening from a speaker or from a headphone, before and/or after answering an incoming call.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma in view of Wilson U.S. Patent 6,169,734.

The Sharma's reference differs from the present invention in that Sharma does not teach sending out the ringing signals to both speaker 304 and headset 302. However the Wilson reference discloses an internet phone set with a speakerphone 162 and an earphone 130 as ringers for incoming calls in figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sharma's system so that the ringing signal of an incoming call would have been heard over the speaker 304 and headset 302, because such a modification would have alerted a user either when he was nearby or was listening to recorded voice messages on the headset.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Engberg et al. U.S. Patent 5,283,638 discloses a multimedia computing and telecommunications workstation.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305 3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

SS

01/28/2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

